

3. 18 U.S.C. § 4082(a) provides: “The willful failure of a prisoner to remain within the extended limits of his confinement, or to return within the time prescribed to an institution or facility designated by the Attorney General, shall be deemed an escape from the custody of the Attorney General punishable as provided in chapter 35 of this title.” “[T]he term ‘facility’ shall include a residential community treatment center.” 18 U.S.C. § 4082(c).

4. 18 U.S.C. § 751 is within Chapter 35 of Title 18. 18 U.S.C. § 751(a) provides: “Whoever escapes or attempts to escape from the custody of the Attorney General or his authorized representative, or from any institution or facility in which he is confined by direction of the Attorney General, or from any custody under or by virtue of any process issued under the laws of the United States by any court, judge, or magistrate judge, or from the custody of an officer or employee of the United States pursuant to lawful arrest, shall, if the custody or confinement is by virtue of an arrest on a charge of felony, or conviction of any offense, be fined under this title or imprisoned not more than five years, or both; or if the custody or confinement is for extradition, or for exclusion or expulsion proceedings under the immigration laws, or by virtue of an arrest or charge of or for a misdemeanor, and prior to conviction, be fined under this title or imprisoned not more than one year, or both.”

5. The following information is based on my own observations, training,
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experience, and investigation, as well as the observations of other Deputy U.S. Marshals involved in the investigation. As this Affidavit is submitted for the purposes of establishing probable cause for a complaint, it does not necessarily set forth all that is known by law enforcement about the escape detailed herein.

6. As part of my duties as a Deputy United States Marshal, I received and reviewed a Community Corrections Escape Report from the Federal Bureau of Prisons, advising that inmate Austyn DAVIS had escaped from custody. According to the report, DAVIS was sentenced to 36 months in the Federal Bureau of Prisons custody stemming from a criminal conviction for Felon & Unlawful user of a Controlled Substance in Possession of a Firearm and Ammunition. DAVIS was transferred to the Spokane Residential Re-Entry Center (“SRRC”) for completion of his custody term with the Bureau of Prisons.

7. According to the report, the SRRC advised that on March 11, 2023, at approximately 7:30 p.m., the SRRC received notification that the alarm of the emergency exit was activated indicating someone had exited the facility through that door. The SRCC staff conducted two separate headcounts and were unable to locate DAVIS. SRRC staff then started the process of attempting to contact DAVIS *via* his cell phone with negative results. SRRC staff attempted to call DAVIS wife who indicated she had not heard from DAVIS. SRRC contacted the local jail and hospitals with negative results. At 7:47 p.m., SRRC staff advised the Director of Circumstances, and he directed them to start escape procedures. DAVIS was placed

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on “escape status” and the United States Marshal’s Service was contacted to arrest DAVIS and pursue escape charges. To date, your Affiant is not aware of any information to indicate DAVIS failure to return to the SRRC is anything other than willful.

8. I have reviewed the Judgment entered in *United States v. Austyn Michael Davis*, 2:20-CR-00185-RMP-1, United States District Court for the Eastern District of Washington, which reflects a sentence imposed on June 17, 2021, of 36 months of imprisonment, for the crime of Felon and Unlawful User of a Controlled Substance in Possession of a Firearm and Ammunition.

9. Your affiant arrested DAVIS at the Spokane Federal Courthouse on March 16, 2023, where DAVIS self-surrendered. DAVIS did not return to the SRRC at any point from March 11, 2023, when DAVIS left the facility without permission, until his arrest on March 16, 2023.

6. Based on the foregoing facts, I believe that probable cause exists for the issuance of a Criminal Complaint for Austyn DAVIS, for Escape, in violation of 18 U.S.C. §§ 751(a), 4082(a).

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7. I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge and belief.

ANDREW CREE Digitally signed by ANDREW CREE
Date: 2023.03.24 14:56:04 -07'00'

Andrew Creese, US Marshals Service

Sworn to telephonically and signed electronically on this 24th day of March, 2023.




James A. Goeke

United States Magistrate Judge